

## Quarter 3 Newsletter

Summer is Over....

But the Fun Continues!!



## The Community Council of Maui

Originally formed in 1991 as The Condominium Council of Maui (CCM) and now known as The Community Council of Maui (CCM), we are committed to hosting regular meetings to provide the opportunity for association members to exchange information, share experiences, form ideas and reach solutions. We offer a forum for educational programs that feature recognized experts in Condominium and Community Association affairs for the benefit of each property and individual owners. With our established relationship with State agencies, our Board of Directors remains up-to-date on newly proposed and enacted laws that affect associations and its owners.

*"Helping To Build Stronger Community Associations on Maui"*



Dear CCM Membership,

I am happy to say that 2022 has been a better year than we could have hope for.

Returning to in-person seminars has allowed CCM to, once again, provide valued education and support to our membership.

When CCM was founded in 1991, our mission was to educate owners, board members, and industry professionals on how to navigate the challenges of condominium and community living. This year, with the support of our members and sponsors, we have been able to re-establish our mission and bring our members together for meaningful dialogue and engagement.

September's legislative update seminar set attendance records for events post-pandemic. The feedback from all of our seminars has been overwhelmingly positive.

We also learned during the Covid-19 Pandemic that people need social interaction and thrive best when their social networks are strong and connected. This year, we are also pushing hard to bring our community back together in new and exciting ways.

The upcoming events offer new opportunities to connect. The Pau Hana Mixer on October 7<sup>th</sup> will allow us to relax and discuss community issues in an informal setting. The November 4<sup>th</sup> Trade Show will be presented in a new format to allow better interaction and engagement between vendors, Board Members and Industry Professionals.

In short, we really missed you all and want to get to know you all better!

For updates on the CCM event schedules and locations, visit our website at [www.ccmmaui.com](http://www.ccmmaui.com).

Sincerely,



Rebecca Filipović

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SAVE *the* DATE

## 2022 Schedule

**October 7<sup>th</sup>**

Pau Hana Mixer

**November 4<sup>th</sup>**

TRADE SHOW

## 2022 CCM BOARD OF DIRECTORS

**President:** Rebecca Filipovic

**Vice President:** Elaine Gascon

**Secretary:** Della Nakamoto

**Treasurer:** Robert Miskae

**Director:** Greg Gaudet

**Director:** Maxwell Kopper

**Director:** Philip Nerney

**Director:** Lisa Cano

**Emeritus:** Al Andrews

**Hot Topics Chair:** Tom Boomer

**Newsletter Chair:** Max Kopper

**Newsletter Editor:** Elaine Gascon

**Website Admin.:** Rebecca Filipovic

**Seminar  
Coordinator:** Eunise Kunishige  
(non-Director)

# PAU HANA MIXER

**Tickets On Sale Now!**

**Friday, October 7<sup>th</sup>, 2022**

**4:30 p.m. – 6:30 p.m.**

**King Kamehameha Golf Club**

**\$10.00 Per Person**

**Drink Ticket Included**

**Heavy Pupus**

**Cash Bar**

**Open to All! Bring a Guest!**

**REGISTRATION REQUIRED. NO WALK-INS.  
TICKET PURCHASE BY CREDIT CARD ONLY.**

**Registration deadline: 9/29/22.**

**No cancellation refunds after 9/28/22.**

**Space is limited.**

**Registration will close once capacity is met.**



**HAWAII INSPECTION GROUP, INC.**  
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**Licensed Professional Engineers, Licensed Asbestos,  
Certified Industrial Hygienist, Reserve Specialists**

July 29, 2022

RE: CCM Article – HRS 514B Amendment effective 1/1/2023

Exciting news for AOAO's, HOA's and Management Companies. HB2272 was signed by the Governor on June 17, 2022. It passed on the first vote in both the House and Senate. It provides minor and major changes that will benefit Associations' administration and management. It is effective 1/1/2023.

HB2272 summary: Clarifies that sixty-seven per cent of unit owners may amend a condominium declaration at any time by vote or written consent, unless the declaration specifies a higher percentage. Requires developers to include annual reserve contributions based on a reserve study. Clarifies time and date requirements for petitions to amend bylaws and call for special meetings; electronic, machine, and mail voting; time frame for approval of minutes; and board meeting participation. Expands when electronic, machine, and mail voting is authorized. Requires a condominium association's reserve study to be reviewed by an independent reserve study preparer and reviewed or updated at least every three years. Specifies that cash flow plans be based on thirty-year projections (currently 20 year).

It also states that the reserve study shall be performed by an independent, certified reserve specialist, who shall not be affiliated with the managing agent of the association; provided further that the reserve study shall be prepared or updated at least every three years.

HIG is the only on-island Reserve Study company and has inspectors with CAI and APRA designations. HIG has always provided a 30-year outlook to see the effect of longer-term components. Some property items may create a low or negative funding levels between the 20- and 30-year period, like roofs and other major components.

HIG provides on-site inspections and discusses component conditions and property improvements with Board members, Managers and Property Management representatives. HIG creates long term relationships to improve properties and financials.



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**Licensed Professional Engineers, Licensed Asbestos,  
Certified Industrial Hygienist, Reserve Specialists**

HIG works with boards on an annual basis, so they always have the budget information annually and there is also less chance of the reserve expense history being lost or forgotten.

HIG also provides assessments for pools, roofs, water intrusion, mildew, home inspections as well as project coordination and landscape design.

## **Kit Carlan, Consultant**

CAI Reserve Specialist, RS-390

APRA Professional Reserve Analyst, PRA-2342

Hawaii Inspection Group

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[Kit@HawaiiInspectionGroup.com](mailto:Kit@HawaiiInspectionGroup.com)

# Hawaiiana is Maui's #1 Management Company



**Doug Lefler, CMCA**  
Vice President,  
Maui Operations

Hawaiiana Management Company, Ltd. currently serves 110 properties on Maui, Lanai and Molokai. Maui County clients include Andaz Wailea Hotel, Aina Nalu, Sugar Beach Resort, Wailea Golf Estates and the Hotel Hana-Maui Condominiums. In addition, Hawaiiana manages several associations on the island of Lanai including Villas at Koele Phase II and Terraces at Manele Bay, plus Molokai's Wavecrest Resort and Molokai Shores. Hawaiiana's Maui County Associations are served by a dozen Management Executives and the industry's most experienced accounting, administrative and technical property management staff.

Hawaiiana serves many of its Maui County clients from its primary office in Kihei. In addition, Hawaiiana's West Maui office in the Kahana Gateway Professional Building is conveniently located to serve over 30 west side clients with their association management needs.

## Why choose Hawaiiana?

- We serve 110 associations in Maui County
- Local (vs. mainland) banking
- All employees are in Hawaii

## Maui County Clients:

- Aina Nalu
- Coconut Grove on Kapalua Bay
- Cottages at Kulamalu
- Emerald Plaza Place
- Emerald Plaza II
- Haiku Town Acres
- Hale Kai
- Hale Kamaole
- Hale Royale
- Hokulani Golf Villas
- Hololani
- Honokowai East
- Honu Alaha
- Ho'olea Terrace at Kehalani
- Ho'onanea at Lahaina
- Hotel Hana Maui Condominiums
- Island Sands
- Kaanapali Plantation
- Ka'anapali Royal
- Kahana Village
- Kai Malu at Wailea
- Kalama Terrace
- Kamalani
- Kamani at Kehalani
- Kamaole Beach Royale
- Kamaole Grand
- Kamaole Heights
- Kamaole One
- Kamoku Condominiums
- Kana'i A Nalu
- Kanani Wailea
- Kanoe Resort
- Kapalua Golf Villas
- Ke Alii Ocean Villas
- Keala o Wailea
- Kehalani Community Association
- Kepuhi Beach Resort
- Kihei Beach Condo
- Kihei Garden Estates
- Kihei Kauhale Nani
- Kihei Villages
- Kilohana Kai Vistas
- Kilohana Waena
- Koa Resort
- Kua'aina Ridge
- Kulamalu HOA
- Lahaina Roads
- La'i Loa
- Lanikeha
- Leinani Apartments
- Luana Kai
- Ma'alaea Banyans
- Ma'alaea Kai
- Ma'alaea Mermaid
- Ma'alaea Surf
- Ma'alaea Yacht Marina
- Mahana Estates
- Mahanua Nui HOA
- Mahina Surf
- Mahinahina Beach
- Makali'i at Wailea
- Makena Surf
- Maui Banyan
- Maui Kaanapali Villas
- Maui Lani Community Association
- Maui Parkshore
- Meadowlands HOA
- Milowai-Maalaea
- Molokai Shores
- Napili Point Resort, Phase I
- Napili Point Resort, Phase II
- Napili Bay
- North Shore Village
- Opukea at Lahaina
- Pacific Shores
- Paki Maui
- Paradise Ridge Estates
- Pohaiiani Maui
- Pu'unoo HOA
- Royal Kahana
- Sandhills Estates HOA
- Southpointe at Waiakoa
- Spinnaker
- Sugar Beach Resort
- Summit at Kaanapali, Phase I
- Terraces at Manele AOOO
- Terraces at Manele Bay, Phase IV
- The Ironwoods at Kapalua
- The Mahana at Kaanapali
- The Office Centre
- The Palms at Manele, Phase 1
- The Ridge at Wailea
- The Vintage at Ka'anapali
- Valley Isle Resort
- Villas at Kahana Ridge
- Villas at Koele, Phase II
- Wailea Beach Resort & Residences (Andaz Hotel)
- Wailea Golf Estates
- Wailea Golf Estates II
- Wailea Golf Vistas
- Wailea Highlands
- Wailea Kai Homesites
- Wailea Kialoa Homesites
- Wailea Pualani Estates
- Waiiele Ridge
- Wailuku Heights Ext. Unit II
- Waiolani Community Assn.
- Waipuilani
- Wavecrest Resort
- West Kuiaha Meadows



April Lum, CMCA, AMS  
Director, West Maui Office



Debra Adams  
Senior Management  
Executive



Doug Jorg  
Senior Management  
Executive



Kathy Seidman Wong  
Senior Management  
Executive



Marc Udoff  
Director



Craig Bode  
Management Executive



Massy Cashen-Suguitan,  
CMCA, AMS  
Management Executive



Marilyn Chapman, CMCA  
Management Executive



Alexander Gal, AMS  
Management Executive



Katie Guinaw  
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Brian Henze  
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Lisa Kahae  
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# Are Material and Labor Shortages Responsible for New Construction Problems? Maybe.

By Bill McKeon Esq. and Kyle Pineo Esq.

The one-two punch of Covid and supply chain disruptions has led to a construction labor crisis and scarcity of critical building materials. To complicate matters, the demand for new homes and renovations has never been higher. The shortage of qualified labor and construction materials could lead to construction defects.

High demand for new housing and renovations is often accompanied by an increase in construction defects. Many in construction left Hawai'i during Covid. When experienced labor is unavailable, construction companies sometimes rely on inexperienced individuals. When building materials are in short supply, developers sometimes substitute inferior materials for traditional building products and systems, which negatively impact construction quality. This is a recipe for problems.

Shortages in materials and labor are also driving up construction costs, putting pressure on builders to cut corners. Some shortcuts may not be visible on the exterior of a completed building. We have found that it isn't until owners of a new home report leaks or mold or other problems that intrusive inspections are triggered and reveal defective construction.

Today's modern building materials rely on correctly reading and comprehending a manufacturer's directions and cautions. For instance, waterproofing around windows must be properly integrated with the fins of the windows and the surrounding weather barrier to be waterproof. Makers of these materials include meticulous procedures that – if followed – provide assurances that a window won't leak. But what we've found in many instances is that untrained workers tasked to install this material do it wrong. The consequence to this oversight can lead to water being diverted into the building.

With residential balcony design, a popular approach is to enclose supporting beams with a soffit. While this may be visually appealing, it can also trap moisture in the beams, which can ultimately lead to rot. In this design, we've seen water entering the enclosed space when the joint where the balcony adjoins the building is not properly waterproofed, causing premature dry rot.

Manufacturers know about these potential hazards, and they publish warnings in their guidelines that are then incorporated into drawings and specifications by project architects. This begs the question, "why are we still finding defects in building construction?" In our experience, it boils down to an insufficient level of worker training and a lack of onsite quality control. The truth is inexperienced workers lack the necessary training. It is well known that construction labor unions have training programs for apprentices that can turn out highly skilled workers in several trades; workers educated in how to follow a manufacturer's guidelines and architectural details. Sadly, we've seen from experience that union-trained labor is often avoided to reduce costs or because union labor is just not available.

Architects, superintendents, or supervisors can oversee onsite quality control and flag mistakes and misapplications on location, however, (especially with production housing) there are just way too many sites with critical installations for architects or supervisors to watch constantly. The tiniest error, such as a joint where the sealant was not applied completely, can, over time, cause internal damage. Monitoring untrained workers on a consistent basis is impossible for supervisors, and architects are seldom onsite every day to observe installation processes.

Because the demand for production housing is so high, builders can be tempted to experiment with new designs intended to reduce build times and expenses. For example, using Direct Applied Exterior Finish Systems (DEFS) instead of stucco or using hardboard in lieu of real wood siding or foam trim instead of concrete or wood. These applications are poorer in quality than what they replace. While they may cost less and take less time to install, they are frequently the subject of defect litigation.

Labor shortages and supply chain issues are leading to the rise in home prices, but the long-term impact of taking shortcuts during construction could ultimately compromise portions of a building and lead to moisture intrusion or degradation. To prevent these construction defect mistakes (and prevent the litigation that could follow), it is imperative builders use trained, skilled labor.

Poorly trained labor and cost-cutting substitutions have been with us for decades and will always accompany high housing demand. Sadly, developers who try to meet that demand with project solutions that don't include robust quality control and quality materials will discover construction defect claims hard to avoid.



**William McKeon has lived in Hawaii for 38 years and during that time has represented clients on all islands in construction defect disputes and complex commercial, real estate, and business litigation. He has successfully tried and litigated to settlement numerous matters including recovery through settlement of almost \$140 million for a luxury hi-rise condominium and \$29.5 million for a large multi-family project on Oahu. As of September 1, 2022, Mr. McKeon will join Berding|Weil, LLP as a partner.**

**Kyle Pineo is an associate in Berding|Weil, LLP's Hawai'i office. Mr. Pineo has a master's degree in engineering from Stanford University, has worked as a project manager for a large commercial general contractor, and now represents building owners and community associations in complex construction defect matters.**

**Berding|Weil, LLP is the most experienced construction defect law firm in Hawai'i and California. Its partners have successfully litigated construction disputes for over 45 years and recovered more than \$1.5 billion for the firm's clients.**

# Cast Iron Pipe Failures



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## Cast Iron Pipe Failure Warning Signs

Do you own, manage, or maintain a hotel, destination resort, or timeshare property that is 35 years or older? Many buildings constructed in the late 70s and early 80s are now reaching the 40/50 year milestone where cast iron pipe failure frequencies increase significantly. There are several warning signs that precede a cast iron plumbing drain problem.

Here are some warning signs of a piping failure and how to spot them:

- **LOOK** - Conduct regular visual inspections of the property. Cast iron pipes are exposed in most parking structures or above drop ceilings. Look for water or seepage on the face of the pipes and at joints. Look for pinhole weeps or even cracks in the piping.
- **LISTEN** - Gurgling plumbing fixtures on lower floors can be an indicator that the vent system connected to the waste piping is clogged.
- **SMELL** - The smell of sewer gas within the building is an indicator that the cast iron system may have a break.
- **MORE REPAIRS** - If you are calling for repairs with greater frequency, this is a red flag that there is a larger problem.
- **INCREASING PREMIUM** - If your insurance carrier increases your premium due to previous cast iron failures, this is another warning sign that you need major repairs.
- **NO WARRANTY** - Finally, if you are not offered a warranty on replacement parts or repairs, this is a red flag. The repairs you have received are a temporary "patch".





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## Plumbing Assessments

ABB's Mechanical Engineers provide expert assessments by analyzing the piping and building construction methods and providing a systematic, fact-supported diagnosis and resolution. We offer multiple potential solutions to fit each owner's budget based on the unique project conditions.

Assessment reports provide recommendations on the most engineering sound, least intrusive, lowest cost options. They typically include the following:

- Projected lifespan of materials
- Firestopping requirements
- Cost savings options
- Potential building code issues related to the project
- Any additional recommendations noted while performing the assessment
- Phasing recommendations

## Plumbing Engineering Solutions

ABB's licensed Architects and Engineers understand how to extend the longevity of systems. They understand the challenges with restoration of interior finishes, fire rated construction, and fire stopping, and impact to building occupants. Our design solutions are tailored to comply with current local codes and ordinances, as well as each building's unique challenges.

## Construction Management

ABB Construction Managers specialize in planning, bidding, and managing cast iron piping replacements. Our CM Staff work as Owners' advocates to ensure projects are completed on-time, on-budget, and to industry standards. Our services optimize program safety, quality, cost, and scheduling through effective communication, contract management, and construction expertise. Cast iron replacement projects require attention to owner's unique situations and an ability to work with a wide variety of personalities. Our CM staff has proven they can meet this challenge at every level.

## Case Study: Cast Iron Piping Replacement

Allana Buick & Bers provided project management, design, and construction administration for cast iron replacement project at a 349-unit, condominium complex. The complex was built in 1970 and consists of a 17-story tower and a 25-story tower.

The Association was noting increased cast iron plumbing failures and retained ABB to remediate the issues. ABB provided the Association with a single source to manage, design, and oversee the project.

Over approximately 12 weeks, ABB assessed portions of above-grade Drain, Waste, & Vent (DWV) piping systems, including risers and laterals serving unit stack and common area restrooms. ABB evaluated the remaining useful life of the DWV and copper domestic water piping systems. ABB also evaluated impacts to fire-rated shaft wall assemblies enclosing the plumbing piping. County codes require these be restored.

Based on our analysis, ABB designed repairs that included replacement of the cast iron DWV systems; asbestos abatement associated with wall cutting; application of code-required fire stopping; replacement of toilets with local-mandated water conservation toilets; and upgrades to the backflow prevention device.

ABB prepared plumbing construction documents as the Engineer of Record and fire rated assembly documents as the Architect of Record. Additionally, ABB managed the competitive bidding process.

During construction, ABB Construction Management acted as an Owner's representative on behalf of the Association by directly coordinating with unit owners and the Contractor. ABB also provided Construction Administration to verify that construction was done in accordance with the design documents and industry standards.

Construction took approximately 14 months and residents were able to remain in their units for most of the time.



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### About Allana Buick & Bers

[Allana Buick & Bers](#), Inc. is a leading multi-discipline Architectural Engineering firm with 35+ years of experience making buildings perform better. We specialize in helping Owners and Property Managers build and repair sustainable buildings.

To discuss your project or request a proposal, please contact Brad Wells at [bwells@abbae.com](mailto:bwells@abbae.com) or 808-866-6158.

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